

WHEREAS, Alabama law has been amended to authorize the issuance of permanent or annual license plates for truck trailers, tractor trailers or semitrailers; and

WHEREAS, the Department of Revenue anticipates questions from Alabama's trucking industry and from county license plate issuing officials concerning the procedures involved in issuing permanent trailer license plates;

THEREFORE, the following rule is adopted to clarify certain provisions of Act 2006-276.

810-5-1-.240 Permanent Trailer License Plates. (NEW RULE)

(1) Multi-year trailer plates, except for a fleet of 50 or more rental utility trailers, have been eliminated by Act 2006-276. Accordingly, county issuing officials shall not revalidate multi-year trailer plates, except for rental utility trailers. Any trailer other than a rental utility trailer displaying an Alabama multi-year trailer plate on or after December 1, 2006 shall be considered as displaying an expired registration, and law enforcement may cite the operator for operating a trailer with an expired license plate.

(2) Permanent trailer license plates, in accordance with Act 2006-276, may be issued to a truck trailer, tractor trailer or semitrailer. Of these three terms, only the word "semitrailer" as used in this regulation and Act 2006-276 is defined in Section 40-12-240. The term "truck trailers" refers to trailers towed by a "truck" as that term is defined in Section 40-12-240, except when the trailer is a "utility trailer" or "travel trailer" as those terms are defined in Section 40-12-240. Similarly, the term "tractor trailer" is deemed to mean a "tractor" as defined in Section 40-12-240 towing a trailer. The difference between a semitrailer and a truck trailer or tractor trailer may be that these trailers have front axles or, instead of attaching to a fifth wheel, connect to the power unit by other means.

(3) In order for a registrant to obtain a permanent trailer license plate, an Alabama certificate of title must be applied for in the name of the current vehicle owner or the trailer must be titled in Alabama to the current vehicle owner. Truck trailers, tractor trailers, and semitrailers titled in other jurisdictions cannot be registered in Alabama with a permanent trailer license plate based upon presentation of an out-of-state title.

(4) The fee for a permanent trailer license plate is a one (1) time, non-proratable registration fee of sixty dollars (\$60). In the event an owner elects to surrender a current and valid annual Alabama trailer license plate in order to secure a permanent trailer license, in accordance with Section 40-12-23 (c), the county issuing official shall determine the credit to be allowed by using monthly declining fees, and applying that credit to the sixty dollar fee for the permanent trailer license plate. Provided, any trailer designated by the trailer manufacturer

as a pre-1975 trailer is not subject to this provision as Alabama law does not authorize the issuance of an Alabama Certificate of Title to a 1974 or earlier year model vehicle.

(5) The Department of Revenue is authorized to issue refunds in cases whereby the vehicle owner can provide to the satisfaction of the county license plate issuing official evidence that he/she erroneously registered a trailer with two (or more) permanent trailer license plates.

(6) The permanent trailer license plate issued in accordance with Section 40-12-252 cannot be transferred to another owner or trailer. As the term "owner" is defined in Section 40-12-240 to include a lessee with an option to purchase, if the lessee elects to exercise the purchase option, the plates shall continue to be displayed on the trailers even though there is a transfer of title from the lessor to lessee. If there is no purchase option, the permanent trailer license plates must be removed from the vehicles at the end of the lease agreement; provided, that if the lessor elects to lease the trailers to another Alabama based lease customer, the permanent license plates may remain on the trailers for use by the new lease customer (unless the new lease customer has a purchase option in the lease contract; if so, new permanent trailer plates must be secured in the name of the lease customer).

(7) For the following situations, any person acquiring ownership of a trailer(s) displaying a permanent trailer plate is required to surrender the license plate(s) to his/her county license plate issuing official, who, in accordance with paragraph (8) below, shall notify the Department of Revenue of the receipt of the license plate:

(a) The trailer is sold or otherwise transferred to a new owner(s) — exception: see paragraph (6) above;

(b) The trailer is repossessed;

(c) The trailer is abandoned;

(d) The trailer is acquired by an insurer as a salvage vehicle;

(8) The owner is required, in the case of transfer of ownership, to remove the permanent trailer license plate from the vehicle and surrender the license plate to the county license plate issuing official and no credit or refund of registration fees shall be allowed upon surrender. The county license plate issuing official will retain the surrendered license plates for audit purposes. Furthermore, upon receipt of surrendered permanent trailer license plates, the county license plate issuing official must notify the Department of Revenue of the receipt of the plates by completing form MVT 40-12-252 and forwarding the form to the Department so that the Department can indicate on the registration

database that the permanent trailer license plates are no longer in use; provided, that after one year from notation on the database, the registration records for surrendered license plates may be removed by the Department.

(9) If the owner must re-register the trailers outside Alabama, the owner is to remove the Alabama permanent license plates from the vehicles and return the plates to the county license plate issuing official of the county where the trailers are based. The county license plate issuing official will retain the surrendered license plate for audit purposes, and, as in paragraph (8) above, notify the Department of the receipt of the permanent license plates.

(10) Trailer owners are not required to retain within the vehicle a current and valid Alabama Motor Vehicle Registration Tax and Tax Receipt. See Section 40-12-260 (b) (1), which specifies that registration receipts must be maintained for "self-propelled" vehicles.

(11) County license plate issuing officials will enter '9999" on the Alabama Motor Vehicle Registration Tag and Tax Receipt, in the expiration date field to indicate the non- expiration for all permanent trailer license plate registrations. When issuing registrations to lessors, the lessee's address shall be shown on the registration receipt.

(12) Pursuant to Section 40-12-265(b), if a license plate or tag is lost or stolen, or becomes so mutilated as to make it illegible, the owner of the vehicle must file with the county issuing official an application setting forth the facts that the plate or tag has been lost, mutilated, or destroyed and upon payment of the fee specified by law, a replacement license plate shall be issued. Provided, that if mutilated, the permanent trailer license plate shall be surrendered, and, in accordance with paragraph (8) above, the Department of Revenue notified of the surrender of the license plate.

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Authority: Sections 40-2A-7(a)(5) and 40-12-252(c), Code of Alabama 1975
History: